

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Stefan M Bibaud

Docket No. 7:00-M-364-1

Petition for Action on Probation

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Stefan M Bibaud, who, upon an earlier plea of guilty to 21 U.S.C. § 844, Possession of Marijuana, pursuant to 18 U.S.C. § 3607, was sentenced by the Honorable William Norton Mason, U.S. Magistrate Judge, on September 13, 2000, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. Not use a controlled substance unless prescribed by a licensed physician, and not be in the presence of any individual using an unauthorized controlled substance.
2. Pay a fine of \$500.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Stefan Bibaud was sentenced to a 12 month term of Special Probation and immediately transferred to the District of Maryland for supervision. On April 19, 2001, a Motion for Revocation was filed charging Bibaud with 4 violations of supervision and a Warrant was issued for his arrest. However, Bibaud was never located until recently by the U.S. Marshal Service, when they discovered him residing in Las Vegas, Nevada, with his parents. Their investigation revealed Bibaud is suffering from numerous health problems due to an automobile accident in April, 2010. The Marshals were concerned he may not be physically able to be detained and transported to North Carolina, and be incarcerated if supervision were to be revoked. Our office requested the U.S. Probation Office for the District of Nevada meet with Bibaud to assess his situation. On March 24, 2011, Supervising U.S. Probation Officer Mike Mastrangioli met with Bibaud and his parents at the probation office. Based on his interview and observations of Mr. Bibaud's current physical and mental state, it was SUSPO Mastrangioli's recommendation that it would not be in the interest of justice to return Bibaud to North Carolina to address the probation violations charged against him in 2001. Our office concurs with their assessment, and recommends the Court dismiss the previously filed Motion and Warrant and terminate the probationary sentence.

The Special Assistant U.S. Attorney's office has been contacted and has no objections to this plan of action.

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PRAYING THAT THE COURT WILL ORDER:

1. The Motion for Revocation previously filed in the Eastern District of North Carolina against the defendant in Case No. 7:00MG000364-1, is dismissed, and the Warrant vacated, in the interest of justice.

Reviewed and approved,

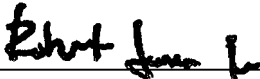
I declare under penalty of perjury that the foregoing is true and correct.

s/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: (910) 815-4857
Executed On: April 7, 2011

ORDER OF COURT

Considered and ordered this 11th day of April, 2011, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge